

BY FAX  
MOST IMMEDIATE

GOVERNMENT OF ANDHRA PRADESH  
Abstract

Suits – Interim Orders in W.P.M.P.No.5950 of 2008 in W.P.No.4574 of 2008 filed by Smt. Gudala Vijayasree, Librarian, Sri Durga Malleswara Siddhartha Junior Mahila Kalasala, Vijayawada – Release of salary from 9.6.2003 to till date – Not feasible of acceptance – Orders – Issued.

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HIGHER EDUCATION (IE-II) DEPARTMENT

G.O.Rt.No: 1187

Dated 19.12.2008.  
Read:

High Court of A.P. Interim Orders dated 13.10.2008 in W.P.M.P. No.5950 of 2008 in W.P.No.4574 of 2008.

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ORDER

Smt. Gudala Vijaya Sree was appointed as Librarian by the management of Sri Durga Malleswara Siddhartha Junior Mahila Kalasala, Vijayawada on 9.6.2003 i.e. during the ban period on filling up of vacant posts in Private Aided Junior Colleges in the State contrary to the provisions of the Act 2/94 and the orders issued in G.O.Ms.No.275, Fin. & Plg.Dept., dated 14.12.95. She has filed W.P.No.4574/2008 before the Hon' ble High Court of A.P. praying among others, to release the salary from 9.6.2003 to till date and continue to pay her salary every month.

2. The Hon' ble High Court of A.P. in their Interim Orders dated 13.10.2008 in W.P. M.P.No.5950 of 2008 in W.P.No.4574 of 2008 has directed as follows:

"There shall be a direction to the Respondents 1 & 2 to consider releasing the salary of the petitioner from 9.6.2003 till date, as per her eligibility and pass appropriate orders, as per Law, within a period of three weeks from the date of receipt of a copy of this orders, and communicate the same to the petitioner"

3. In G.O.Ms.No.35, Higher Education (CE.II.1) Department dated 27.3.2006, orders were issued imposing ban on filling up vacant aided posts in Private Aided Junior/Degree Colleges and Polytechnics through direct recruitment except in respect of SC/ST backlog vacancies.

4. Further, the Hon' ble High Court of A.P., in its orders dated 7.11.2005 in W.P.No.8697/2005, has observed as follows:-

**"The principle that no private educational institution or an employee of an educational institution has a legal right to compel financial assistance by the State is recognized by the Supreme Court in Ajit Kumar Sarma's case (Supra1) ....what grants the State should make to private educational institutions and upon what terms are matter for the State to decide"**

5. In view of the above, Government after careful examination of the matter have observed that Smt. Gudala Vijayasree was appointed during the ban period on filling up of vacant posts in Private Aided Junior Colleges in the State contrary to the orders issued in G.O.Ms.No.275, Fin. & Plg. Dept. dated 14.12.95. Hence her appointment as Librarian in Sri Durga Malleswara

Siddhartha Junior Mahila Kalasala, Vijayawada was not admitted to Grant-in-Aid and in view of the existing ban, as such admission to Grant-in-Aid, as stated above, now also she cannot be admitted to Aid. Hence her request for payment of salary from the Government funds for the period from 9.6.2003 till date cannot be accepted.

6. The Government therefore hereby reject the request of Smt. Gudala Vijayasree Sri Durga Malleswara Siddhartha Junior Mahila Kalasala, Vijayawada for payment of her salary from Government funds with effect from 9.6.2003 as it is not feasible of acceptance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri G. Vijaya Sree, Sri Durga Malleswara Siddhartha Junior Mahila Kalasala, Vijayawada, Krishna District.  
The Director of Intermediate Education, Andhra Pradesh, Hyderabad. - with a request to take immediate action in the matter.

Copy to:

The Government Pleader, Higher Education, High Court of A.P., Hyderabad.  
SF/SCs.

//Forwarded: By order//

SECTION OFFICER